IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

CADENCE BANK f/k/a **BANCORPSOUTH BANK and** CENTURY BANK, Plaintiffs, v. BRIDGELINK ENGINEERING, LLC; Civil Action No 4:23-CV-00609-BJ COLE WAYNE JOHNSON, CORD HENRY JOHNSON, BIGHORN **CONSTRUCTION AND** RECLAMATION, L.L.C.; BIGHORN SAND & GRAVEL LLC, BIGHORN INVESTMENTS AND PROPERTIES, LLC, Defendants.

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Cadence Bank f/k/a BANCORPSOUTH BANK and Century Bank (collectively, the "Plaintiffs") hereby file their Motion for Summary Judgment (the "Motion") against Bridgelink Engineering, LLC (the "Borrower"), Cole Wayne Johnson, Cord Henry Johnson, Bighorn Construction and Reclamation, L.L.C., Bighorn Sand & Gravel, LLC, Bighorn Investments and Properties, LLC (collectively, the "Guarantors") in accordance with Federal Rule of Civil Procedure 56 and in support thereof respectfully represent as follows:

1. In this Motion, Plaintiffs seek summary judgement on: (a) their claims against the Borrower on its claim to recover on a promissory note that Borrower executed in favor of Plaintiffs; and (b) their claims against the Guarantors of the guaranty agreements the Guarantors executed in favor of Plaintiffs.

- 2. Plaintiffs are entitled to summary judgment against the Borrower and Guarantors because Plaintiffs can prove each element of their claims. *See* Fed. R. Civ. P. 56(a).
- 3. Pursuant to Local Rule 56.3(b) of the Local Rules of the Northern District of Texas, Plaintiffs set out the arguments and authorities and all other matts required by Local Rule 56.3(a) in its Brief in Support of Motion for Summary Judgment, filed concurrently with this Motion. All supporting evidence and materials are contained in an Appendix of Evidence, also filed concurrently with this Motion.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully submit that they are entitled to summary judgment on their affirmative claims against the Borrower and Guarantors, and therefore should be awarded judgment in this case, in addition to all reasonable and necessary attorneys' fees and costs incurred in bringing this lawsuit.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of April, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

By: /s/ John C. Leininger

John C. Leininger